

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OHIO CONCRETE) 1:09CV2503
RESURFACING, INC., et al.,)
)
Plaintiffs)
) JUDGE CHRISTOPHER BOYKO
v.) (Mag. Judge McHargh)
)
ANTHONY J. RAVIDA,)
et al.,)
)
Defendants) MEMORANDUM
) <u>AND ORDER</u>

McHARGH, MAG. J.

The plaintiffs, Ohio Concrete Resurfacing, Inc., and O.C.R. Products, Inc., have filed a fifteen-count complaint in this court, alleging breach of a non-compete agreement, breach of contract, and other counts, against defendants Anthony J. Ravida, Salvatore and Elizabeth DiFalco, Silverback Stone, Inc., and Stone Appeal, Inc. (Doc. 1.) The defendants have filed a joint answer, and counterclaims. (Doc. 18.)

On Oct. 28, 2009, the court issued a Temporary Restraining Order, which contained a schedule for expedited written discovery and depositions. (Doc. 29.) Because of disputes between the parties, they were unable to accomplish the discovery anticipated within the original timelines set forth by the court.

The case was referred to the undersigned Magistrate Judge for (1) resolution of the discovery dispute, (2) ruling on the plaintiffs' "Motion for Injunctive Relief Pursuant to the Agreed Protective Order, to Compel and for Rule 37 Sanctions" (doc.

47), and (3) ruling on the defendants' "Joint Motion for Sanctions" (doc. 48). (Doc. 51, 54.)

The undersigned Magistrate Judge has since held telephone conferences (on Nov. 16, and Dec. 9, 2009) to address disputed issues relating to the expedited discovery in preparation for an injunctive hearing. Defendants have several times represented to the court that they are prepared to go to the hearing. The parties were ordered to comply with any outstanding discovery requests relative to the hearing by Dec. 15. Plaintiffs were scheduled to conduct additional depositions on December 21, and they too should now be prepared for the hearing.

Therefore, the referral on expedited discovery should be termed, and the parties should contact the chambers of Judge Boyko to schedule the injunctive hearing.

IT IS SO ORDERED.

Dated: Dec. 22, 2009

/s/ Kenneth S. McHargh
Kenneth S. McHargh
United States Magistrate Judge